IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOS : 16297, 16497 AND 16498 OF 1999

WRIT PETITION NO. 16297 OF 1999

Between:

M. Someswara Rao, s/o. Sri, M. Venkata Subbaiah, r/o. H.No. 3-28-18/106, Rajendra Nagar, Pattabhipuram Post,

..... PETITIONER

AND

1 The A. P. State Federation of Cop. Spinning Mills Ltd., (A.P. SPINFED), 4th Floor, Post Neett Bhavan, Ramkote,
Hyderabad, rep. by its Vive-Chairman & Managing Director.
2 The Commissioner of Labour . Govt, of A.P., Anjaiah Bhavan, RTC Cross, Road, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an order, direction or writ, one in the nature of writ of Certiorari calling for records from the 1st respondent in Rc. No. 770/99/A and quash the same.

Counsel for the Petitioner:MR.S.RAVINDRANATH

Counsel for the Respondent No.1: MRS.S.N.PADMINI

Counsel for the Respondent No.2: Govt. Pleader for Labour

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WRIT PETITION NO : 16497 of 1999

Between:

K. Ramamurthy, s/o. Late K. Dwaraka Krishnaiah, Door No. 4-5-26/34, Navbharatnagar, 1st Lane Guntur.

..... PETITIONER

AND

1 AP State Federation of Co - Operative Spinning Mills Ltd, 4th Floor, Pasnett Bhavan, Ramkote, Hyderabad, 500001
(thro its Chairman & Managing Director).
2 Commissioner of Labour Govt of AP, Anjaiah Complex RTC X Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an order, direction or writ, one in the nature of writ of Certiorari calling for records from the 1st Respondent in RC. No. 770/99 -A and quash the same.

Counsel for the Petitioner:MR.S.RAVINDRANATH

Counsel for the Respondent No.1: Mrs. S.N.Padmini

Counsel for the Respondent No.2: GP FOR LABOUR

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WRIT PETITION NO : 16498 of 1999

Between:

K. Rama Rao, s/o. Sri Venkata Subbaiah, r/o. H.No. 2-1-118, Gandhinagar, Burripalam Road, Tenali.

..... PETITIONER

AND

1 The AP State Federation of Co-operative Spinning Mills Ltd., 4th floor Posnett Bhwaan, Ramkote, Hyderabad,
Hyderabad rep by its Vice Chairman & Managing Director.
2 The Commissioner of Labour , Govt of AP Anjaiah Bhavan, RTC X Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an order, direction or writ, one in the nature of writ of Certiorari calling for records from the 1st respondent in RC 770/99-A and quash the same.

Counsel for the Petitioner:MR.S.RAVINDRANATH

Counsel for the Respondent No.1: Mrs. S.N.Padmini

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

ORDER:

Heard both sides.

In view of the common questions involved in all these three matters, they are taken up together for disposal.

The petitioners, who are employees of the first respondent, filed these three Writ Petitions inter alia, seeking to assail the impugned orders of termination.

It is represented by the learned counsel appearing for the petitioners that both the questions as to whether writ petitions are maintainable under Article 226 of the Constitution of India, as against the respondents herein, and also the validity of similar such termination orders have already been decided by this court in Writ Appeal No. 1071 of 1993 dated 31st April 1997 holding that the Writ can be maintainable against the first respondent by setting aside the impugned orders.

Following the same, these three Writ Petitions are allowed and impugned orders are set aside with a further direction that the petitioners are entitled to continue in the capacity which they held, with all service benefits under the terms of

contract, till it is put an end to in accordance with law. No costs.

_____ B. PRAKASH RAO, J

Dated:20.12.2004.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, The Twentieth Day of December Two Thousand and Four.

To

1 The Vice-Chairman & Managing Director, A. P. State Federation of Cop. Spinning Mills Ltd., (A.P. SPINFED), 4th Floor, Post Neett Bhavan, Ramkote, Hyderabad.
2 The Commissioner of Labour . Govt, of A.P., Anjaiah Bhavan, RTC Cross, Road, Hyderabad.

3. 2 CCs to G.P. for Labour, High Court of A.P. Hyderabad. (OUT)

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